

RE: Motion to Strike

From: Mollick, Jason (jmollick@wsgr.com)
To: acerthorn@yahoo.com; tltrcd@cand.uscourts.gov
Date: Tuesday, March 7, 2023 at 12:24 PM CST

Mr. McNamee,

Plaintiff is incorrect, which we will explain in our opposition brief on the docket, in due course according to the local rules. We will not engage in legal argument with Mr. Stebbins over email, and neither should he.

Jason Mollick
Counsel for Defendant Google LLC

From: Acerthorn <acerthorn@yahoo.com>
Sent: Tuesday, March 7, 2023 1:05 PM
To: TLT CRD <tltrcd@cand.uscourts.gov>; Mollick, Jason <jmollick@wsgr.com>
Subject: Re: Motion to Strike

EXT - acerthorn@yahoo.com

Mr. McNamee,

With all due respect, I believe the Federal Rules of Civil Procedure necessarily supersede the district court's local rules, as well as Judge Thompson's standing orders. Federal Rule of Civil Procedure 12(f)(2) clearly states that motions to strike must be ruled on before the time comes for the moving party to respond to the motion he seeks to have stricken.

Sincerely,
David Stebbins

On Tuesday, March 7, 2023 at 11:10:41 AM CST, TLT CRD <tltrcd@cand.uscourts.gov> wrote:

Good morning,

Please refer to Judge Thompson's Standing Orders, which can be found at the following address:
<https://www.cand.uscourts.gov/trina-l-thompson/>.

I have attached Judge Thompson's Civil Standing Order and on Page 2 under Scheduling #9 it reads:

Counsel need not reserve motion hearing dates but should check Judge Thompson's scheduling notes on the Court's website to determine the next available law and motion calendar date. Motions may be reset as the Court's calendar requires. The order of call on each calendar will be determined by the Court. Scheduling questions should be addressed to Judge Thompson's Courtroom Deputy.

Also, motions must be filed following the Civil Local Rules, which can be found at the following address:
<https://www.cand.uscourts.gov/rules/civil-local-rules/>.

Section 7-2(a) governs when the time that a motion hearing can be set, which is no sooner than 35 days from when the motion is filed. And also in accordance with the Court's calendar and availability.

Thank you,



Robert McNamee
Courtroom Deputy to the Hon. Trina Thompson
United States District Court
Northern District of California

<https://cand.uscourts.gov>

Office: (415) 522-2039

From: Acerthorn <acerthorn@yahoo.com>
Sent: Tuesday, March 7, 2023 5:22 AM
To: TLT CRD <TLTCRD@cand.uscourts.gov>; Jason Mollick <jmollick@wsgr.com>
Subject: Motion to Strike

CAUTION - EXTERNAL:

Dear Judge Thompson's Chambers,

Please notice the Motion to Strike that I have just filed. That motion should be ruled on before the time comes for me to file the Opposition to their Motion to Dismiss (see FRCP 12(f)(2)), so I set the hearing date to the first business day before that deadline.

Please issue a response promptly.

Sincerely,

David Stebbins

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